

A G E N D A

General Plan/LCP Implementation Committee February 28, 2007 3:30 p.m. City Council Chambers

1. Review of revised schedule for Implementation Tasks
Attachment 1 3:30-3:35
2. Review and recommendation to City Council on draft
Ordinance Amending Municipal Code Regarding
Development Agreements
Attachments 2 and 3 3:35-4:15
3. Update and Status Report on RFP for Zoning Code rewrite
Attachments 4 and 5 4:15-4:30
4. Items for Future Agenda 4:30-4:35
5. Public Comments on non-agenda items 4:35-4:45

Attachment 1

GENERAL PLAN IMPLEMENTATION TASKS
January 12, 2007

1. Interim Zoning Resolution (including ability to require development agreements)
Staff, January 9, 2007
2. Procedures to implement single- and two-family design policies
Staff, March 27, 2007
3. Zoning Code and Specific Plan rewrite
Consultant, with staff input and review, December 11, 2007(tentative)
4. CLUP amendment
Staff, April 27, 2007 to Coastal Commission
5. Housing Element certification by HCD
EIP and staff, March 2, 2007
6. Park Dedication Fee (Quimby Act)
Staff, February 27, 2007
7. ED Strategic Plan
Staff, ADE and EDC, April 24, 2007
8. Fair Share Fee update
Consultant, August 28, 2007
9. Airport Area infrastructure study and fee(s)
ROMA and Fair Share Consultant, TBD
10. Inclusionary Housing Ordinance and In-lieu fee
Consultant (amend existing contract to update fee and incorporate new Housing Element policies), April 24, 2007
11. In-lieu parking fee
Staff, February 27, 2007
12. Subdivision Code amendment re: residential subdivisions
Staff, May 22, 2007
13. LCP Implementation Plan
Staff, concurrent with/trailing Zoning Code rewrite

14. City Council Policy on development agreements
Staff, March 13, 2007

15. Traffic signal synchronization
Public Works staff, master plan June 2007

16. PC rewrite/revisions
Property owners for major ones, their schedule
Staff or consultant for smaller ones, with Zoning rewrite or second phase
(Get time and cost estimates with Zoning RFP responses)

17. Banning Ranch Pre-Annexation and Development Agreement
City Council, staff and property owners, TBD

18. Harbor Area Management Plan
Harbor Commission and staff, September 2008

19. Run-off and Pollution Reduction Plan
Coastal/Bay Water Quality Committee and staff, ongoing

20. Database refinements and maintenance
Staff, refinements TBD, maintenance ongoing

21. Fiscal Impact Model training
ADE and staff, February 23, 2007

Lower Priority

- Municipal Code amendments re: property maintenance standards
- Building Code amendments re: green buildings
- Amend City Council Policies on historic, archaeo and paleo resources
- Funding and priority program for construction of noise barriers along arterials

Attachments 2 and 3



CITY OF NEWPORT BEACH

MEMORANDUM

TO: General Plan/LCP Implementation Committee

FROM: Sharon Wood, Assistant City Manager

DATE: February 23, 2007

RE: Draft Ordinance Regarding Development Agreements

Attached is a revised draft of the ordinance amending the Municipal Code to require development agreements in certain cases.

I believe the Committee's concern about the previous draft eliminating the requirements already contained in the General Plan was caused by poor drafting on my part. I've corrected that, and apologize for the confusion. I've made other changes to respond to comments from the Committee at the February 14 meeting.

I know that the primary issue discussed at the last meeting was the proposed limitation of the development agreement requirement to projects requiring legislative acts. The City Attorney will be at your meeting of February 28 to answer questions on this issue.

DRAFT

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH
AMENDING CHAPTER 15.45 OF THE NEWPORT BEACH MUNICIPAL CODE
REGARDING DEVELOPMENT AGREEMENTS**

WHEREAS, the City Council of the City of Newport Beach adopted Ordinance No. 82-30, adding Chapter 15.45 Development Agreements to the Newport Beach Municipal Code; and

WHEREAS, the City Council approved a comprehensive update to the Newport Beach General Plan on July 25, 2006, which update was approved by the voters, pursuant to Charter Section 423, on November 7, 2006; and

WHEREAS, the General Plan allows new land uses and more development than had previously been allowed on some properties; and

WHEREAS, the City Council recognizes that much of the additional development will require future legislative changes to the Zoning Code and Coastal Land Use Plan. The City Council wishes to provide the ability for development allowed in the General Plan and approved by the voters to be implemented gradually and thoughtfully over an extended period of time, to provide developers with certainty regarding development impact fees, and to provide a mechanism for developers who benefit from these protections and the increased development opportunities to provide additional public benefits to support implementation of the General Plan;

NOW, THEREFORE, the City Council of the City of Newport Beach hereby ordains as follows:

SECTION 1: Chapter 15.45 Development Agreements of the Newport Beach Municipal Code is hereby amended to add a new Section 15.45.020, as follows, and to renumber subsequent sections as 15.45.030 Application and Fees through 15.45.100 Recordation.

15.45. 020 Development Agreement Required

- A. Development Agreements shall be required in conjunction with City approval of development projects for which a Development Agreement is required per General Plan policy, and projects that require a General Plan amendment, Zoning Code amendment or other legislative act and that have one or more of the following characteristics:

- ~~1. Require a Development Agreement per General Plan policy.~~

2-1. Include the development of fifty (50) or more residential units. *[Larger West Newport Mesa projects, Lido Village MU area, Lido Peninsula, Airport Area replacement projects, but not Lido Village RM area]*

3-2. Include residential development in the Mariners' Mile corridor, as this geographic area is described in the General Plan Land Use Element. *[Bayfront mixed use and inland residential]*

4-3. Include new non-residential development in Statistical Area L1 (Newport Center), Statistical Area L-3, or Statistical Area L-4 (Airport Area). *[Newport Center hotel, Fashion Island retail, MacArthur Boulevard Caltrans parcel, Airport Area non-residential area that requires Zoning or PC amendment]*

B. Notwithstanding the provisions of Section 1.45.020 A, a Development Agreement shall not be required for a project that includes remodeling of existing building floor area, without the addition of new floor area.

C. The City Council may waive the requirement for a Development Agreement if it finds that the legislative act is of a minor nature, the project provides significant public benefits to the City, or the size/nature of the project is such that neither the City nor the developer would benefit from a Development Agreement.

SECTION 2: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

SECTION 4: This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the ____ day of _____, 2007, and adopted on the ____ day of _____, 2007, by the following vote, to wit:

AYES, COUNCIL MEMBERS _____

NOES, COUNCIL MEMBERS _____

ABSENT COUNCIL MEMBERS _____

MAYOR

ATTEST:

CITY CLERK

Attachments 4 and 5



CITY OF NEWPORT BEACH

MEMORANDUM

TO: General Plan/LCP Implementation Committee

FROM: Gregg Ramirez, Senior Planner

DATE: February 23, 2007

RE: Zoning Code - RFP

As of Friday afternoon, staff has not received any proposals. However, we expect to receive at least one, from Hogle-Ireland. Their proposal will likely include collaboration with two or three other firms. I will provide the Committee with an update when the proposal arrives.

Of the other firms we sent RFP's to, Dyett & Bhatia and EDAW declined to submit proposals. Their responses are attached.

Ramirez, Gregg

From: Michael Dyett [dyett@dyettandbhatia.com]
Sent: Wednesday, February 21, 2007 11:30 AM
To: Ramirez, Gregg
Subject: RFP for Zoning Code Re-write

Dear. Mr. Ramirez:

After careful consideration of your RFP and our current workload, we have decided not to submit a proposal. We understand that the City has an aggressive schedule, which we can not support given other commitments, including comprehensive zoning ordinance updates for Pomona, Santa Monica and Los Angeles County as well as complete ordinance updates for a Morro Bay, a couple of Bay Area cities and a new code for Mesa, Arizona.

We also believe that it is important to have some code users/stakeholders interviews about what the problems are with current zoning and what the underlying thinking is about General Plan policies; following this, there should be an informed discussion of "big ideas" and tradeoffs in considering different approaches to zoning – how far does the City want to go with a certain idea, such as residential neighborhood character, an incentive program, coastal access, view protection, or alternatives to FAR regulations. Lessons from other jurisdictions also are helpful. We usually start with an analysis of "issues and options" after stakeholder interviews and field trips to see existing development (so we can try to trace problems back to either the wrong standards or the absence of standards) and then prepare a working paper which is then the basis for Committee discussion and policy direction. An annotated outline is then prepared and confirmed with the Committee before drafting begins. We usually prepare "modules" for Committee discussion – 3 or 4 at most. We have never prepared a code by meeting twice a month on drafts because we think a lot of work is needed to ensure internal consistency and resolve the best way to address issues.

We think there always are choices even with clear General Plan direction - what is the right balance between Commission and staff review, how far to go with design standards vs.. a review process (and here I don't necessarily mean getting into a rigid form-based code), and how to deal with Coastal Commission mandates/concerns.

Your Commission and Council may have concerns about recent development that may not have been fully reflected in the new plan and in the list of 32 issues in the RFP; so again, some options analysis may be appropriate. I think you want an ordinance that is "cut from whole cloth" and not a template hastily put together and re-worked with committee drafting – the best ordinance is one where one person holds the pencil, so to speak. Finally, your consultant will need time to analyze and talk about different ways of dealing with the Coastal Act - what choices does Newport Beach really have?

We do not believe that a six-month schedule is realistic to meet the City's expectations for high quality work. We mentioned this to the City staff who called us before the RFP was issued, but we gather the City wants to stick with this schedule. If the scope and timing were to change, we might re-consider our decision about whether to submit a proposal.

Thank you for considering us for this assignment.

Cordially,

Michael vanVeber Dyett, FAICP

DYETT & BHATIA | Urban and Regional Planners
755 Sansome Street, Suite 400
San Francisco, CA 94111
fax. 415 956 7315
tel. 415 956 4300 x14

www.dyettandbhatia.com

02/22/2007

EDAW Inc
2737 Campus Drive, Irvine, California 92612
T 949.660.8044 F 949.660.1046 www.edaw.com

RECEIVED BY
PLANNING DEPARTMENT

February 16, 2007

FEB 21 2007

Mr. Gregg Ramirez
Senior Planner
City of Newport Beach
Planning Department
P.O. Box 1768
Newport Beach, CA 92658-8915

CITY OF NEWPORT BEACH

Subject: Request for Proposals for Zoning Code Re-Write

Dear Mr. Ramirez,

On behalf of EDAW, I would like to thank you for inviting us to submit a proposal for the aforementioned project. Unfortunately, we must respectfully decline your invitation due to our current workload.

We wish you success with this project and hope to respond to future requests from the City of Newport Beach. If we can be of further assistance, please do not hesitate to call. Again, thank you for your consideration.

Yours sincerely,



Amanda Smith
Marketing Coordinator